

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A. )  
DREW EDMONDSON, in his capacity as )  
ATTORNEY GENERAL OF THE STATE )  
OF OKLAHOMA AND OKLAHOMA )  
SECRETARY OF THE ENVIRONMENT )  
C. MILES TOLBERT, in his capacity as the )  
TRUSTEE FOR THE NATURAL )  
RESOURCES FOR THE STATE OF )  
OKLAHOMA, )  
Plaintiff, )

v. )

Case No. 05-CV-00329 GKF-SAJ

TYSON FOODS, INC., TYSON )  
POULTRY, INC., TYSON CHICKEN, )  
INC., COBB-VANTRESS, INC., CAL- )  
MAIN FOODS, INC., CAL-MAINE )  
FARMS, INC., CARGILL, INC., )  
CARGILL TURKEY PRODUCTION, LLC, )  
GEORGE'S, INC., GEORGE'S FARMS, )  
INC., PETERSON FARMS, INC., )  
SIMMONS FOODS, INC., and WILLOW )  
BROOK FOODS, INC., )  
Defendant. )

**AFFIDAVIT OF GENE COLBURN**

STATE OF OKLAHOMA )  
COUNTY OF CHEROKEE ) SS.

Gene Colburn, of lawful age, being first duly sworn, deposes and states as follows:

1. My name is Gene Colburn. I am a cattle rancher. My address is in Proctor, Oklahoma.
2. I make this affidavit in support of the amicus brief to be filed by Oklahoma Farm Bureau opposing the Attorney General's request for

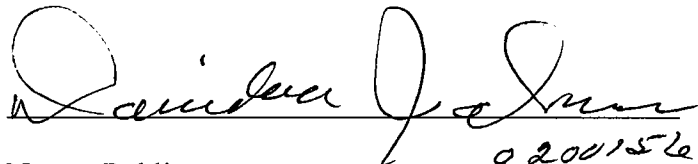
an injunction. Everything in this affidavit is true and correct to the best of my information and belief.

3. I live in Cherokee County. I will be 81 years old in April. I have been in the cattle ranching business for about 70 years.
4. I am a member of the Oklahoma Farm Bureau.
5. I run cow/calf units and bale hay. My ranch is approximately 710 acres.
6. I use poultry litter as fertilizer on my ranch when I can get it. It is better than commercial fertilizer and it is cheaper. I pay about \$30 an acre for litter and litter application and between \$60 and \$100 an acre for commercial fertilizer.
7. When I purchase litter for my hay meadows and pastures I get it from a Certified Poultry Waste Applicator. The spreaders won't put on any more litter than is allowed by law.
8. I take and test soil samples. The test tells me how much litter I can apply.
9. I have never gotten sick from being around poultry litter.
10. My water well is only 18 feet deep. It is like spring water and tastes really good. No one has ever gotten sick from drinking my well water.
11. I do not believe that poultry litter is a waste. It is fertilizer and there are good uses for it. It would be a waste if it wasn't used.
12. If I could not use litter as a fertilizer and to help the soil, it would negatively impact my operations. I would not be able to raise as much hay. By comparison, I would have to do commercial fertilizer twice a year. Commercial fertilizer is expensive and doesn't do the job that litter does since commercial fertilizer is so short lasting. Therefore, I would have to do without fertilizer and cut back on the number of cattle I run.

Dated this 2 day of February, 2008.

  
Gene Colburn

Subscribed and sworn to before me this 2 day of February, 2008.

  
Notary Public 02001569

My Commission Expires:

2-17-10

[SEAL]